

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HARRY C. NAGEL,	)	
	)	
Plaintiff,	)	Civil Action No. 2:15-cv-01669- RCM
	)	
v.	)	
	)	<i>Electronically Filed</i>
SIEMENS INDUSTRY, INC., SIEMENS	)	
RAIL AUTOMATION CARBORNE	)	
SYSTEMS, INC., AND SIEMENS RAIL	)	
AUTOMATION CORPORATION	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR LEAVE TO FILE AMENDED  
ANSWER AND AFFIRMATIVE AND ADDITIONAL DEFENSES**

Defendants Siemens Industry, Inc., Siemens Rail Automation Carborne Systems, Inc., and Siemens Rail Automation Corporation (collectively, "Defendants" or "Siemens"),<sup>1</sup> by and through their undersigned counsel, and pursuant to Rule 15 of the Federal Rules of Civil Procedure, respectfully move this Court for leave to amend their Answer and Affirmative and Additional Defenses to include the affirmative defense of after-acquired evidence. In conjunction with this Motion, Siemens has filed: (1) a Brief in Support of its Motion for Leave to File Amended Answer to Plaintiff's Complaint and Affirmative and Additional Defenses, and (2) a proposed order. For the reasons set forth in Siemens' Brief, which is incorporated herein by

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<sup>1</sup> Siemens Industry, Inc. ("SII") is the only proper defendant in this action, as both Siemens Rail Automation Carbone Systems, Inc. and Siemens Rail Automation Corporation ceased to exist as separate corporate entities following their merger with SII on April 1, 2014.

reference, leave to file an Amended Answer and Affirmative and Additional Defenses should be granted.<sup>2</sup>

WHEREFORE, Defendants respectfully request that the Court grant them leave to amend their Answer to Plaintiff's Complaint and Affirmative and Additional Defenses in the form identical to the Amended Answer to Plaintiff's Complaint and Affirmative and Additional Defenses attached hereto as Exhibit A.

Respectfully submitted,

/s/ Allison R. Brown

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*Attorneys for Defendants*

Dated: August 15, 2016

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<sup>2</sup> Per Rule 15(a)(2) of the Federal Rules of Civil Procedure Siemens sought consent from Plaintiff before filing this motion; however, Plaintiff's refused.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 15th day of August 2016, the foregoing document was filed using the Western District of Pennsylvania's ECF system, through which this document is available for viewing and downloading, causing a notice of electronic filing to be served upon the following counsel of record:

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*s/Allison R. Brown*

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